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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,772	06/13/2006	Artur Schwörer	P8311US(PCT)	4600
20/460 7590 12/28/2009 KOHLER SCHMID MOEBUS RUPPMANNSTRASSE 27 D-70565 STUTTGART, GERMANY				
EXAMINER SAFAVI, MICHAEL				
ART UNIT 3637		PAPER NUMBER		
MAIL DATE 12/28/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/582,772

Applicant(s)

SCHWOERER, ARTUR

Examiner

MICHAEL SAFAVI

Art Unit

3637

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehmann 4,915,345. Lehmann discloses, Figs. 2 and 4 for example, a formwork with a formwork element having a first "bolt" 13, said first transverse bolt having a bolt fixture, (any portion thereof), for mounting said first transverse bolt to the formwork element, said first transverse bolt defining at least one first elongated hole 25 and a second elongated hole 27 and at least one first round hole 26 disposed at a first longitudinal end thereof; and a second transverse bolt 22, said second transverse bolt defining at least one second elongated hole 24 and/or at least one second round hole 24 disposed at a second longitudinal end thereof, wherein said first longitudinal end at least partially overlaps said second longitudinal end, said first elongated hole 27 overlapping said second round hole 24 to define a first bolt duct, and said first round hole 25 overlapping said second elongated hole 24 to define a second bolt duct. Lehmann discloses formation of holes or slots, (elongated hole), within the "bolt" element 22. Therefore, to have provided the "bolt" element 22 of Lehmann with either or both of holes, (round holes), and slots, (elongated holes), as by forming the holes 24 along 22a as round while forming the holes 24 along 22b as elongated as well as forming the opening 25 of "bolt" 13 as round, thus serving to allow for alternative or

versatile arrangements within the form assembly, would have been obvious to one having ordinary skill in the art at the time the invention was made. With such a modification the holes 24 along 22a would be made round while the holes 24 along 22b would be made elongated.

Lehmann as modified would have the round hole 24, (along 22a), of "bolt" element 22 overlapping the elongated hole 27 of "bolt" element 13 with the elongated hole 24, (along 22b), of "bolt" element 22 overlapping the round hole 25 of "bolt" element 13. A first connecting means 28 is disposed within said first duct; and a second connecting means 28 disposed within said second duct. Spindle 33' or 35 "cooperating" with the first and second connecting means.

Response to Arguments

Applicant's arguments filed October 13, 2009 have been fully considered but they are not persuasive. Applicant's arguments bridging pages 7 and 8 of the response contend that the openings 24 of Lehmann are required to be elongated. However, Lehmann does not require the openings 24 of "bolt" 22 to be elongated in order to achieve the result intended by Lehmann. Therefore, in assembling the curved formwork of Lehmann as modified the round hole 24, (along 22a), of "bolt" element 22 would overlap the elongated hole 27 of "bolt" element 13 while the elongated hole 24, (along 22b), of "bolt" element 22 would overlap the round hole 25 of "bolt" element 13. A first connecting means 28 would be disposed within said first defined duct, (formed by

24/22a and 27 and a second connecting means 28 would be disposed within said second duct formed by 24/22b and 25.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL SAFAVI** whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Shriver can be reached on (571) 272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
December 15, 2009